

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

v.

KADEY FRANCIS HIGINIO,
Defendant.

Case No. 2:24-mj-01002-MDC

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Government is still in the process of propounding discovery to the defense in this case.
2. The defendant is out of custody and does not object to the continuance.
3. The parties agree to the continuance.
4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to receive and review discovery.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be

likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including April 28, 2025 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including May 12, 2025 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including May 19, 2025 to file any and all replies.

IT IS FURTHER ORDERED that the bench trial currently scheduled for May 7, 2025, at the hour of 9:00 a.m., be vacated and continued to August 20, 2025 at the hour of 9:00 a.m. in LV Courtroom 3A.

DATED this 31st day of March, 2025.


UNITED STATES MAGISTRATE JUDGE